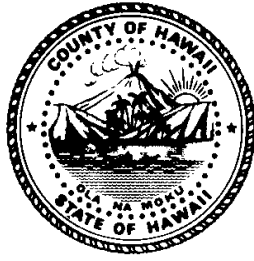


EDMUND HAITSUKA
Chairman

DAVID FUERTES
Vice Chair



DAPHNE HONMA
CASEY JARMAN
JAMAE KAWAUCHI
GUY KAULUKUKUI
JOSEPH KEALOHA
ALAPAKI NAHALE-A
SUSIE OSBORNE
TODD SHUMWAY
SCOTT UNGER

**2009-2010
HAWAI'I COUNTY
CHARTER COMMISSION**

August 11, 2010

TO: Honorable Edmund Huitsuka, Chair
and Members of the Hawai'i County Charter Commission

FROM: Karen Eoff
Charter Commission Secretary

SUBJECT: Sample Power Point Presentation for Educational Outreach

Chair Huitsuka and Members of the Hawai'i County Charter Commission,

Attached is a sample PowerPoint Presentation to be used as part of the educational outreach by the Commissioners. This is a draft version using ballot question language proposed by Commission Attorney, Mr. Hookano, and summary language proposed by the Ad-Hoc Committee on Education.

Karen Eoff
Charter Commission Secretary

COMM. 256.5



County of Hawai'i 2009-2010 Charter Commission

HISTORY, BACKGROUND AND PROPOSED CHARTER AMENDMENTS



Introduction

In 1963 the State legislature passed Act 73 which enabled the various counties to form and adopt a charter for their own self governance. Three charter commissions were formed in 1963-64 1965-66 and 1967-68. The first charter was finally adopted in 1968 and became effective on January 2, 1969. The 1979 charter commission included an amendment that required the charter to be reviewed every ten years starting in 1989.

The charter acts as the county's governing document outlining the roles and responsibilities of the county government. Since 1969 the charter has been amended several times, most recently in 2008. It provides for the broad structure of county governance and provides the authority for the various county departments to act.

The charter can only be amended by a vote of the citizens of the County of Hawai'i. The charter commission's proposals will be placed on the November 2, 2010 general election ballot. At that time the voters will decide which changes are desirable for our county.



About the Commission

The charter commission is composed of eleven members from around the island.

The commissioners are appointed by the mayor and confirmed by the council.

Since the requirement the of the formation of a charter commission every ten years since 1979, this is the third such charter commission. Since 1963, however, this is the seventh charter commission of the county.

For the 2009-2010 commission, commissioners were sworn in on March 13, 2009.

The commission is guided by Chapter 50 of the Hawaii Revised Statutes Article XV of the charter and the commission's rules of procedure. Hawai'i Revised Statutes Chapter 50 requires that the commission submit to the county council a report which includes the commission's activities, findings, and recommendations



2009-2010 Charter Commissioners

Edmund K. Haitsuka, Chairman

David Fuertes, Vice Chairman

Casey Jarman, Parliamentarian

Daphne Honma, Member

Alapaki Nahale-a, Member

Jamae Kawauchi, Member

Susie Osborne, Member

Guy Kaulukukui, Member

Todd Shumway, Member

Joseph Kealoha, Member

Scott Unger, Member

Staff

Levi Hookano, Commission Attorney

Karen Eoff, Commission Secretary



Commission Activities

- Since March 13, 2009 the commission has held eleven regular meetings, six special meetings, and six public hearings.
- Throughout the commission's proceedings up to the July 23, 2010 meeting, the commission received 260 submissions of written testimony and heard 90 oral testifiers. The number of testimony received written and oral does not take into account repeat testifiers or testimony on multiple agenda items.
- The commission considered 38 proposed amendments to the charter. Of those original proposals, the commission decided to move 19 of them to the voters for approval.



Findings

Overall the commission has found that the charter is a solid document that does not require extensive amendments.

The commission recognizes that the charter is meant to be a broad document to govern the operation of county government.

The following 19 proposed amendments will appear on the ballot.

The ballot language along with a brief explanation of each proposal is provided in the educational brochure to be distributed.

CA-1 Department of Water Supply

- **QUESTION: Shall the charter of the County of Hawai‘i be amended to (1) rename the head of the department of water supply to manager-chief engineer; and (2) correct the title of the director of public works?**

There are two parts to this proposal. (1) The water department head must be a registered engineer. Changing the title from “manager” to “manager-chief engineer” would reflect this requirement. (2) The head of public works does not have to be an engineer and currently is given the title “director of public works.” Currently Article VIII (Department of Water Supply) mistakenly calls the director of public works the “chief engineer.” This proposal would correct the error.

CA-2 Data Systems

- **QUESTION:** Shall the charter of the County of Hawai‘i be amended to (1) rename the data systems department to the department of information technology and; (2) move the department from Article V, under the mayor and staff agencies, to Article VI, under the managing director?

This proposal changes the name “Department of Data Systems” to “Department of Information Technology.” The new name would give a better idea of the department’s main jobs, which are operating the county’s information systems and giving technical support and advice. The department’s duties stay the same. Because the department is supervised by the managing director, not by the mayor, it would be moved to Article VI which identifies the departments that fall under managing director.

CA-3 Fire Department

- **QUESTION: Shall the charter of the County of Hawai‘i be amended to move the fire department from Article VI, under the managing director, to Article VII, under the direction of the fire commission?**

In 2000, the fire department commission was created. At that time, the sections describing the fire department were not moved to the article in the charter covering departments serving under a board or commission. This proposal corrects the placement. The fire department's operations and management will not change.

CA-4 Civil Service Laws

- ❑ QUESTION: Shall the charter of the County of Hawai‘i be amended to (1) remove various references to civil service laws; (2) delete section 7-1.5, relating to position classification plan; compensation, in its entirety; (3) delete section 7-2.5, relating to dismissal, suspension, demotion, or grievance, in its entirety; (4) add a new subsection to section 13-3 relating to civil service and exemptions; and (5) delete section 13-9, relating to non-civil service status and classification, in its entirety?

Civil service laws are governed by state law. To avoid confusion and conflicts, this amendment removes any mention of civil service law from the county charter.

CA-5 Terms of Merit Appeals Board

- ❑ **QUESTION: Shall the charter of the County of Hawai‘i be amended to systematically stagger the terms of the membership of the merit appeals board upon the expiration of the member’s term set to expire on December 31, 2010 so that no more than a single board member’s term will expire in any given year?**

This proposal creates staggered terms for the five members of the merit appeals board. The appointment process will not change. The proposed change is that every year, only one member’s term will expire. The proposal describes the steps to achieve the change. The new process would meet current charter requirements under “Boards and Commissions.”

CA-6 Removal of Directors Serving Under Commissions

- ❑ **QUESTION:** Shall the charter of the County of Hawai‘i be amended to (1) require the merit appeals board, liquor commission, and water board to issue a statement of reasons for the removal of their respective department heads; and (2) allow the director of human resources, director of liquor control, fire chief, and manager of the department of water supply an opportunity to respond to the statement of reasons for removal at a hearing of the board or commission prior to a vote to remove the respective department head?

At present, certain directors who serve under boards or commissions can be removed without stated reasons or a hearing. This proposal would add more steps to the process of removal. A public statement of the reasons for removal must be made, and the affected director must be allowed to respond at a commission hearing. The directors affected by this proposed amendment will be the directors of human resources, liquor control, water supply and the fire chief. The police chief, serving under the police commission, is already covered by these requirements.

CA-7 Recall

- **QUESTION:** Shall the charter of the County of Hawai‘i be amended to (1) change the number of signatures required to recall an official elected at-large or by voters of the entire county to **twenty-five percent of the valid votes cast for the office subject to the recall petition in the last election.**; (2) change the number of signatures required to recall district to **twenty-five percent of the valid votes cast for the district office subject to the recall petition in the last election**; (3) require signers of a recall petition , and give the county clerk more time to verify a petition?

The public can vote to remove an elected official from office (“recall”). To put a recall to a vote, a recall petition must have a minimum number of valid signatures. This proposal would lower the number of signatures required on a recall petition.

Presently, the requirement is 25% of all registered voters in the county or district, depending on office. This proposal changes the requirement to 25% of valid votes cast for the office in the last general election.

This proposal would also require petition signers to give the last four digits of their social security number and the day and month of their birth in addition to their residence address and their signature. Furthermore, the county will have more time -- 30 days instead of 20 days -- to verify signatures.

CA-9 Electronic Posting of Special Meeting Notices

- **QUESTION: Shall the charter of the County of Hawai‘i be amended to require, when possible, electronic posting of special meeting notices of the council, boards, and commissions?**

Notice of a special meeting must be posted 24 hours in advance. This proposal adds that an announcement of a special meeting be linked on the appropriate council, board or commission webpage. The proposal does not change the required posting of a special meeting, but does recommend the electronic posting, if possible.

CA-10 Powers, Duties & Functions of the Dept. of Environmental Management

- **QUESTION: Shall the charter of the County of Hawai‘i be amended to allow the mayor to prescribe other duties as directed for the director of environmental management?**

The charter defines the director of environmental management’s job as managing solid waste, wastewater and recycling. Currently, the county council may assign additional duties by ordinance. This proposal would allow the mayor to assign additional duties as well.

CA-11 Qualifications of the Director of Environmental Management

- **QUESTION: Shall the charter of the County of Hawai‘i be amended to require the director of the department of environmental management possess an engineering degree or a degree in a related field?**

The director of environmental management now must have five years of administrative experience in a related field. This proposal would also require an engineering degree or a degree in a related field.

CA-12 Charter Amendment Petitions

- **QUESTION:** Shall the charter of the County of Hawai‘i be amended by changing the number of signatures required for a charter amendment petition to twenty percent of the **total** votes cast and require additional information from signers of a petition and give the county clerk additional time to verify such a petition?

The public can request a change (amendment) to the county charter by petition. If enough registered voters ask (petition) for the change, the proposed amendment will be put to a vote in the next general election.

This proposal would lower the number of signatures required to put an amendment to a vote. Presently, 20% of all registered voters in the county must sign the petition. This proposal would change the number to 20% of the total votes cast in the last general election.

This amendment would require petition signers to give the last four digits of their social security number and the day and month of their birth, along with residence address and signature. Furthermore, the county will have more time – 30 days instead of 20 -- to verify signatures.

CA-13 Appointment of Charter Commissioners

- ❑ **QUESTION: Shall the charter of the County of Hawai‘i be amended by requiring the members of the charter commission be appointed by July 1 of the year prior to a charter review year?**

A charter commission is appointed every ten years to review the county charter. Presently, members are appointed by January 15 of the charter review year and hold office until amendments are approved or rejected by a vote of the people. This proposal would require the commission to be appointed earlier – by July 1 of the year prior to a charter review year to give them additional time to complete their work.

CA-15 Establish Open Space Fund

- **QUESTION:** Shall the charter of the County of Hawai‘i be amended by (1) establishing an open space and natural resources preservation fund to set aside a minimum of one percent of real property tax revenues; (2) appropriating additional revenue from grants and private contributions, voluntary contributions specified on the real property tax bill, proceeds from the sale of general obligation bonds, other council appropriations, and any other source of revenue; (3) specifying that this fund shall be used solely to purchase or otherwise acquire lands or property entitlements in the county for public outdoor recreation and education, and to pay the principal, interest and premium due on bonds issued for this fund; (4) requiring any balance remaining in the fund at the end of the fiscal year shall not lapse; and (5) authorizing the county council to establish by ordinance procedures for the administration and expenditure of moneys in this fund?

In 2008, Hawai‘i County voters approved an ordinance to buy open space with 2% of the county property tax revenues. Ordinances can be changed by the county council with a majority vote. In 2009, the mayor and council stopped payments (“moratorium”) into the open space fund until July 1, 2011.

This proposal would put an open space preservation fund in the charter, which cannot be changed except by a charter amendment. It further requires a MINIMUM of 1% of property tax revenue be directed into an open space fund. The figure can be changed by ordinance, but it cannot fall below 1%. There is no conflict between this proposal and the current ordinance.

This proposal authorizes the use of additional monies such as grants, donations, and the county borrowings. It limits the use of money in the fund to the purchase and acquisition of lands and property for outdoor recreation and education.

CA-17 Reapportionment Commission

- **QUESTION:** Shall the charter of the County of Hawai‘i be amended by (1) renaming the reapportionment commission to the redistricting commission; (2) requiring the commission members be appointed by July 1 of the year prior to a redistricting year; (3) requiring the commission to file a report with the redistricting plan to explain the commission’s reasoning for the plan and how the plan complies with redistricting criteria; (4) requiring the commission to hold at least one public hearing in each council district prior to completing a draft of the plan; (5) requiring the commission to hold at least one public hearing in both east Hawai‘i and west Hawai‘i after completing a draft of the plan; and (6) requiring the commission to adhere to the redistricting criteria in the charter?

This proposal would change the name from “reapportionment commission” to “redistricting commission.” “Reapportionment” more generally refers to determining how many seats in Congress will be granted to a state. The new name would more accurately reflect the commission’s responsibility, which is to redraw political district lines based on population changes.

Commission members would be appointed by July of the year before the redistricting year instead of in January of the redistricting year.

This proposal requires public hearings both before and after finishing the draft plan.

The present charter presents criteria for drawing district lines as guidelines. This proposal makes those criteria mandatory. They are: (1) No district shall be drawn to unduly favor or penalize a person or political faction; (2) Insofar as possible, districts should be contiguous and compact; (3) District lines shall, where possible, follow permanent and easily recognizable features; (4) Districts shall have approximately equal resident populations as required by applicable constitutional provisions.

CA-23 Publication of Notices Via an Electronic Medium

- **QUESTION: Shall the charter of the County of Hawai‘i be amended by requiring notices published in the newspaper to also be distributed via an electronic medium, such as the Internet?**

This proposal would require notice via an electronic medium such as the internet whenever newspaper notification is required.

CA-26 Preservation of Natural and Cultural Resources

- **QUESTION: Shall the charter of the County of Hawai‘i be amended by adding a new section to Article XIII to recognize that the county shall conserve and protect Hawai‘i’s natural beauty and all natural and cultural resources and shall promote the development and utilization of these resources in a manner consistent with their conservation and in furtherance of the self-sufficiency of the county?**

This proposal, which is based on a state constitutional provision, would put in the Charter an obligation on the county government to take into consideration the conservation and protection of Hawai‘i’s natural beauty and its natural and cultural resources when making decisions. The state provision does not include cultural resources, wahi pana, surf spots, historic sites and historic structures. The proposal recognizes the county’s public trust responsibility for all publicly owned natural resources and explicitly adds cultural resources as public trust resources.

CA-29 Duties of the Prosecuting Attorney

- ❑ **QUESTION:** Shall the charter of the County of Hawai‘i be amended by adding new subsections to Article IX, section 9-3 to permit the prosecuting attorney to (1) research, evaluate, and make recommendations regarding crime, crime prevention, and the criminal justice system to the governor, the legislature, the judiciary, the county council, the mayor, the Hawai‘i police department, and other criminal justice agencies, or the general public; (2) provide crime prevention training programs for law enforcement agencies, citizens, businesses, and civic groups; (3) develop public education programs to provide the general public information that will assist citizens to prevent crime and to avoid being victims of crime; and (4) receive and expend financial grants, donations and other funds as permitted by law for crime research, prevention, and education?

The prosecuting attorney prosecutes county and state criminal cases. This proposal expands the duties of the prosecuting attorney to include public education on crime prevention and research. It also allows the prosecuting attorney's office to accept donations and grants to fund these educational projects.

CA-36 Grammar, Spelling and Formatting of the Charter

- **QUESTION: Shall the charter of the County of Hawai‘i be amended by correcting various grammatical, spelling, and formatting errors throughout the charter?**

This proposal would correct spelling, grammar, and formatting mistakes in the charter.

CA-38 Membership on Boards and Commissions

- **QUESTION:** Shall the charter of the County of Hawai‘i be amended by (1) providing that members of boards and commissions who do not receive compensation from their employers during the time they are serving on boards and commissions may be reimbursed by the county for actual work hours lost at the straight time rate of pay of such members in their regular employment; and (2) lowering such reimbursement to two times the state minimum wage hour rate?

Currently, most members of the county’s boards and commissions in Hawai‘i County serve on a volunteer basis. The charter provides for the county to pay members if their employers do not pay them for actual work hours lost. Although most members do not request hourly reimbursement, the current charter says they “shall” be reimbursed. Under this proposal, the county “may,” but is not required, to pay. It lowers the rate of such compensation from five times the minimum wage to two times the minimum wage.